

ENTERED

August 30, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSHUA HUFFMAN, *et al*,

Plaintiffs,

VS.

EVANS TRANSPORTATION SERVICES,
INC., *et al*,

Defendants.

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CIVIL ACTION NO. 4:19-CV-705

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Plaintiffs' Motion to Remand (Doc. 12); Judge Stacy's Memorandum and Recommendation (Doc. 26) that the Court grant the Plaintiffs' Motion to Remand; and Defendant's Objections (Doc. 27) to the Memorandum and Recommendation.

The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge's conclusion that Plaintiffs' claims against Defendant Evans Transportation Services, Inc. do not fall within the preemption provision of 14 U.S.C. § 14501(c)(1) and/or are otherwise excepted from preemption under 14 U.S.C. § 14501(c)(2)(A); and therefore those claims are not completely preempted by federal law. Accordingly, the Court hereby

ORDERS that Defendant's Objections (Doc. 27) are **OVERRULED**; the Memorandum and Recommendation (Doc. 26) is **ADOPTED**; and Plaintiffs' Motion to Remand (Doc. 12) is **GRANTED**. It is further

ORDERED that this case is hereby **REMANDED** to the 281st Judicial District Court of Harris County, Texas.

SIGNED at Houston, Texas, this 28th day of August 2019.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE